

August 28, 2008 Minutes of Bigfork Land Use Advisory Committee

Committee members present: Darrel Coverdell, John Bourquin, Shelley Gonzales, Gary Ridderhoff, Paul Guerrant, Charles Gough, Al Johnson and 11 members of the public.

Chairman Gonzales called the meeting to order at 4: 13 pm.

The Agenda was adopted as amended (m/sc Coverdell/Gough).

The minutes for July 31, 2008 were approved. (m/sc Gough/Ridderhoff)

ADMINISTRATOR'S REPORT:

A. Sign-in Sheet: Reminder to the public of the availability of BLUAC minutes through email and BSC website bigforksteering.org/.

B. Application status: The Flathead County Commissioners voted unanimously to approve the Dell Subdivision application on July 31, 2008.

APPLICATIONS:

A. A Zone Change request in the Bigfork Zoning District by Margret Hunter and Kirk Ogrin from SAG-10 (Suburban Agricultural/10 acres) to SAG-5 (Suburban Agricultural/5 acres). The property is located at 214 Fern Lane and contains 10 acres.

Staff: Andrew Hagemeyer noted the recommendation from BLUAC would be presented orally, rather than in the staff report because of timing. He presented the application as addressed in the staff report received by BLUAC members. Because of the size of the parcel, clustering will not be permitted.

Bourquin: The staff report lists the acreage as 9.9, not 10 acres. Why is that?

Staff: That is how the GIS department lists the property. This is likely because of a road easement and will be cleared up upon survey. The adjacent property owners were mailed notice on August 24, 2008, and our office has received no comment.

Bourquin: Page 6 of the staff report the Ferndale Fire Department has asked for some conditions.

Staff: Correct. They are:

- All building sites are made fire defensible and fire safe.
- A minimum of 2-inch address numbers and letters is visible to emergency vehicles in both directions from Fern Lane.
- The driveways to the structure are a minimum of 12 feet wide and brushed back to 15 feet.

These conditions would be required if the parcel were subdivided. It is a gravel road and the impact should be insignificant. There are no safety issues. We also viewed the application for possible spot zoning. This application does not fall under the criteria for spot zoning because it is adjacent to a SAG-5 parcel to the west.

Johnson: On Page 7 of the staff report, Criteria 2, notes this property would be eligible for family transfer exemption. Will you explain that process?

Staff: SAG-5 property can be subdivided if it is tract land. It does not go through the subdivision review. In this case, the most it could subdivide is 2.

Johnson: Why is it limited to 2?

Staff: That is the limit in subdivision regulations with this small a parcel. Family Transfers cannot be mitigated by conditions.

Bourquin: Are there any groundwater issues here?

Staff: Not to our knowledge.

Bourquin: Page 5 under Application Contents, 1 states Petition for zone change signed by at least 50% of the property owners in the area for which the change in zoning classification is sought. What's that about?

Staff: I'm not sure why that is in there. This is a standard form and that may apply to unzoned areas. It does not apply here.

Bourquin: There is not indication on the map how the lot will be divided.

Staff: That would be determined if they choose to subdivide. There is a 509 Committee that reviews all exemptions to subdivision regulations such as family transfers.

Bourquin: Would like to thank you for providing the staff report prior to our meeting.

Ridderhoff: Page 6 of the staff report, Foy has commented on mitigation to impacts to the road.

Staff: Correct. The owner would have to meet Regulations related to paving roads.

Applicant: Erica Whirtela, Sands Engineering, had nothing to add but noted the purpose for the zone change was to make it possible for the owner's daughter to live near them on the property. This would not be possible in SAG-10 zoning.

Gonzales: Will the property be surveyed to determine the correct acreage before proceeding with splitting the property? A. Yes

Johnson: Have you done any groundwater testing? A. No

Bourquin: Could the guesthouse provisions in SAG-10 be utilized here? A. No, the use they plan does not meet the provisions for a guesthouse.

Margret Hunter (Applicant): The road is well constructed. The Elves use the road to obtain trees for Christmas Decorating. I'm doing this so I can have my daughter and grandchildren near.

Staff: I want to clarify the clustering issue. On a 10-acre parcel (SAG-10) by the time open space has been determined, it would only allow 1.5 dwellings.

Public Comment: None

Paul Guerrant moved the application be recommended for approval. Motion seconded by Al Johnson and was approved unanimously.

The application will be heard by the Planning Board Flathead County Planning & Zoning Office, 1035 First Avenue West, Kalispell, on September 10, 2008, at 6:00 p.m.

OLD BUSINESS:

A. Compression Brake Sign: Craig Wagner reported the additional sign for MT Hwy 82 is in the process of being completed. Elna Darrow commented that noise from compression brakes has decreased significantly since the signs were installed.

B. Meetings with County P & Z Chair, Vice-chair and Commissioner: Gonzales reported she had received no replies to emails. She will continue to pursue the matter.

C. Scenic Corridor: Gonzales reported that the Scenic Corridor designation does not supercede existing zoned areas and does not apply to Bigfork.

C. Bylaws: Committee discussed the first line on Page 1 under MEMBERSHIP: "The committee shall consist of 7 elected voting members." By eliminating the word "elected" it would clear up any confusion about the appointment of the Member At Large. Rather than go through the process to approve such a small change it was generally agreed to wait and do a thorough review of the Bylaws. John Bourquin moved the BLUAC do an annual review of the Bylaws in January of each year. Chuck Gough seconded the motion. Motion passed unanimously.

D. Letter to County Attorney re: Touris: Johnson withdrew his suggestion to write a letter regarding the issue.

NEW BUSINESS:

None

PUBLIC COMMENT:

Gonzales: I've left a phone message with BJ Grieve asking when the Planning Board will reschedule the workshop on the Bigfork Neighborhood Plan. We need to anticipate questions from the Planning Board regarding the future land use map and other questions on the plan. I feel our future land use map is defensible, certainly since we have asked landowners to state their future use for the agricultural areas.

Gough: The Bigfork Steering Committee is no longer covered with insurance by the CFBB. Are BLUAC members covered by the County's insurance? A. Yes. This is because the Board of Commissioners approves the elections and appointments, which is not the case with BSC.

Ridderhoff: I've received calls from friends regarding the septic dumping on Lee Road and am waiting to hear from BJ Grieve if the owners must go through the Conditional Use process. Seems the problem is oversight and enforcement. I would like to place that on the agenda for September.

Craig Wagner: I wonder if all of you have seen the mess at the remodel of the old Swan River School Building on Hwy 35? They have a flea market out in front and neon lights on the cupola.

Gonzales: George Smith is looking at that.

John Righetti: I understand those two large posts are going to support a wagon, with the large arrow (now laying on the ground) pointing to the business with neon lights. People are taking signage to extremes. Who is controlling this?

Sue Hanson: This would be covered by sign regulations. BLUAC has forwarded violations in the past and the county has not seen fit to act. The Little Brown Church put their illegal sign back up, probably because the other businesses were allowed to continue with illegal signs.

Bourquin: I asked Jonathan Smith if the county might consider the defined area of the Bigfork Zoning District for a start with enforcing zoning violations. He was not interested.

General discussion. Ask Secretary to draft a letter outlining the efforts BLUAC has made to assist the County with sign violations and point out the repercussions of not enforcing violations. Suggested sending to the County Attorney, Corrigan, with a copy to the Commissioners.

Meeting was adjourned at 5:30 p.m.

Sue Hanson

BLUAC Secretary